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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,597	08/30/1999	JAMES A. PARKER	283_205CIP	9401
20874	7590	01/14/2004	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/385,597

Applicant(s)

PARKER ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2876

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-16 and 38-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 and 38-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Prelim. Amdt/Amendment*

1. Receipt is acknowledged of the Amendment filed 15 November 2002.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-16 and 38-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Koenck et al (US 5,410,141).

Re claims 9-16 and 38-64, Koenck et al discloses an optical reader system comprising a portable optical reader 10 (fig. 1); and a nonintegrated processor 74 (figs. 9-10); the portable optical reader 310 having a CCD (fig. 19), which serves as an imaging assembly, a reader processor 212 (figs. 9-10) in communication with the imaging assembly/CCD, and a reader memory (e.g., RAM 75) (fig. 3) in communication with the reader processor 212 (figs. 9-10; col. 10, line 62 through col. 11, line 7), the optical reader 10 being adapted to receive a component control instruction from the nonintegrated processor 74 (fig. 3; col. 9, lines 1-21); the nonintegrated processor 74 adapted to transmit a component control instruction in response to a user input command to control the optical reader 10 (col. 14, lines 1-18); the optical reader 10 being programmed so that the reader processor 212 executes the component control instruction

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substantially on receipt of the component control instruction from the nonintegrated processor 74 (fig. 3; col. 9, lines 1-21); wherein the component control instruction is a remote trigger 390 activation instruction (fig. 14; col. 16, lines 42+); wherein the imaging assembly includes an illumination source 440 (fig. 19; col. 17, lines 23-47); wherein the optical reader includes an acoustic output device (col. 25; lines 12+), a display 13 (fig. 1); wherein the nonintegrated processor 74 is a host processor (figs. 3 & 9-10; col. 8, line 67 through col. 9, line 20), is a local host processor adapted so that data is input thereto via a graphical user interface (fig. 30; col. 27, lines 4-8); wherein the nonintegrated processor 74 and the portable optical reader 10 are in communication via a wireless communication link (col. 3, lines 4-11), an RF communication link via an RF module 312 (fig. 12); wherein the reader 10/310 is a gun style housing (fig. 11) having a trigger 390 (fig. 18), an illumination source 440 (fig. 19; col. 17, lines 23-47), an acoustic output device (col. 25; lines 12+), a display 13 (fig. 11), a 2D imaging assembly which is a CCD (figs. 10 & 19; col. 17, lines 23-33 and col. 19, lines 31+), a keyboard 14 and a display 13 (fig. 11); wherein the component control instruction is one which when executed by the reader causes a predetermined indicia to be displayed on the display 13 (col. 28, lines 8+); wherein the component control instruction when executed by the reader results in flashing/a series of beeps/various tone patterns (col. 24, line 64 through col. 25, line 18).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 9-16 and 38-64 have been considered but are moot in view of the new ground(s) of rejection.

A new ground of rejection was made based on a newly cited reference to Koenck et al.

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***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

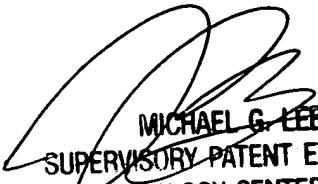
The patents to Worthington et al (US 5,510,606); Jelen (US 5,406,063); Roustaei et al (US 5,756,981) are cited as of interest and illustrate a similar structure to an apparatus and system of an optical reader system comprising local host processor and optical reader.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588 or (571) 272-2397, which will be effected on 15 January 2003. The examiner can normally be reached on SUN, M, W, F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Uyen-Chau N. Le  
January 09, 2004

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800